

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TRACY BRICE and	:	CIVIL ACTION
PERLYN SEVERE-CLARKE	:	
	:	
v.	:	
	:	
COMMUNITY COUNCIL FOR MENTAL	:	
HEALTH & MENTAL RETARDATION,	:	
INC., et al.	:	NO. 08-cv-01142-JF

MEMORANDUM AND ORDER

Fullam, Sr. J.

June 18, 2008

Plaintiffs' complaint was filed on March 6, 2008. The defendants have filed a motion to dismiss, invoking Fed. R. Civ. P. 12(b)(6), and a motion for a protective order.

Having carefully reviewed plaintiffs' complaint, I readily conclude that it at least alleges valid claims against all of the defendants. At this stage, I must accept as true all of plaintiffs' allegations. It may well be, as defense counsel apparently contends, that some or all of the defendants may have valid defenses which plaintiffs will be unable to overcome. But such issues cannot be resolved on the present record.

I also conclude that the motion for a protective order should be denied because: (1) the issues raised should have been the subject of consultation among counsel, which could readily have resolved the problems; and (2) the arrangements plaintiffs' counsel has made, and is committed to continuing, provide the necessary protection. No order of Court is required.

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COMMUNITY COUNCIL FOR MENTAL  
HEALTH & MENTAL RETARDATION,  
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CIVIL ACTION

NO. 08-cv-01142-JF

ORDER

AND NOW, this 18<sup>th</sup> day of June 2008, IT IS ORDERED:

1. Defendants' motion to dismiss the complaint is  
DENIED.
2. Defendants' motion for a protective order is  
DENIED.

BY THE COURT:

/s/ John P. Fullam  
John P. Fullam, Sr. J.